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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,729	04/14/2004	Takashi Watanabe	042341	5344
38834	7590	07/11/2007	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP			VU, DAVID	
1250 CONNECTICUT AVENUE, NW			ART UNIT	PAPER NUMBER
SUITE 700			2818	
WASHINGTON, DC 20036				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/823,729	WATANABE ET AL.	
Examiner	Art Unit		
DAVID VU	2818		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04/13/07.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) 5-11, 14-27 and 30-33 is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-4, 12, 13, 28 and 29 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) 1-33 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 April 2004 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. _____
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4, 12, 13, 28 and 29 are rejected under 35 U. S. C. 102(e) as being anticipated by Cheng et al. (US Pat. 6,638,866, hereinafter Cheng).

Regarding claims 1-4 and 28-29, Cheng discloses in figs. 9-13 a semiconductor device fabrication method comprising the steps of: polishing the surface of a film-to-be-polished 24 formed over a semiconductor substrate 10 by first polishing slurry/CMP process (col. 3, lines 37-43); and after the surface of the film-to-be-polished 24 has been planarized, further polishing the surface of the film-to-be-polished 24 by second polishing slurry/CMP process one more time (col. 3, lines 47-50). Note that the CMP method is characterized by polishing a wafer surface with an abrasive cloth (pad) while supplying a polishing solution (slurry) mixed with abrasive grains. {See **Koutny, Jr et al.** (US 6,171,180) (col. 1, line 60 through col. 2, line 17 or **Hsu et al.** (US 6,677,239) (col. 1, lines 40-49; col. 10, lines 18-24 and **Wang** (US 6,046,112) (col. 6, lines 13-17)}.

Regarding claims 12 and 13, Cheng discloses in figs.1-3 that before the step of planarizing the surface of the film-to-be-polished, the steps of: forming over the semiconductor substrate 10 an insulation film 12/14 having polish characteristics different from those of the film-to-be-polished 24; forming an opening in the insulation film 14; etching the semiconductor substrate 10 with the insulation film 14 as a mask to form a trench in the semiconductor substrate 10; and forming the film-to-be-polished 24 in the trench and over the insulation film 14, in the step of further polishing the surface of the film-to-be-polished 24, the surface of the film-to-be-polished 24 is polished with the insulation film 14 as a stopper (fig. 13).

Response to Arguments

2. Applicant's arguments filed April 13, 2007 have been fully considered but they are not persuasive. Claims 1-4, 12, 13, 28 and 29 stand rejected.

Applicant argued that Cheng does not teach the feature of claims 1 and 2 that the polishing slurry is consistent for the first polish and the finish polish. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the polishing slurry forming the first polishing material used in the main-polish and the polishing slurry contained in the second material used in the finish-polish are the same kind of polishing slurry) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1798. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Loke H can be reached on (571) 272-1657. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID VU
PRIMARY EXAMINER